

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

LLOYD GEORGE MAXWELL,)	CASE NO. 4:08 CV 2075
)	
Plaintiff,)	JUDGE PETER C. ECONOMUS
)	
v.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
CORRECTIONS CORPORATION OF AMERICA,)	
et al.,)	
)	
Defendants.)	

On August 28, 2008, plaintiff pro se Lloyd George Maxwell, an inmate at the Northeast Ohio Correctional Center (NEOCC), filed this civil rights action against the Corrections Corporation of America, Northeast Ohio Correctional Center, and "Urine Sample Gathering Officer." Plaintiff requests to proceed in forma pauperis. For the reasons stated below, this action is dismissed without prejudice.

A prisoner may not bring a civil action or appeal a judgment in a civil action in forma pauperis if, on three or more prior occasions, he brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g).

Maxwell has on at least five occasions filed a civil

action failing to state a claim in this court. See, Maxwell v. United States, 4:07 CV 2851; Maxwell v. United States, No. 4:07 CV 2472; Maxwell v. United States, No. 4:06 CV 2146; Maxwell v. United States, 4:05 CV 974; Maxwell v. Federal Correctional Institution, 4:01 CV 2879. Thus, as the complaint in the instant action does not contain allegations reasonably suggesting he is in imminent danger of serious physical injury, he may not proceed in forma pauperis.

Accordingly, this action is dismissed without prejudice. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

S/Peter C. Economus - 10/30/08
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE